

ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0165
Randerson Creekside Rezoning

P.C. DATE: Feb. 14, 2012, Feb. 28, 2012
April 10, 2012, April 24, 2012

ADDRESS: 3108 E. 51st Street

AREA: 7.315 acres

OWNER: Commerce National Bank
(Mark Kalish)

AGENT: Cen. Texas Development Assessments
(Mike Wilson)

ZONING FROM: SF-3-NP

TO: MF-2-NP

AREA STUDY: N/A

TIA: Is not required

WATERSHEDS: Fort Branch Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD PLAN AREA: East MLK Combined Neighborhood Plan (Pecan Springs
– Springdale Neighborhood Plan)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant townhome and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. The conditional overlay would prohibit vehicular access from the site to Pecan Springs Road.

ISSUES:

The agent for this project has met with neighborhood representatives to discuss the rezoning request and neighbor concerns about development of the property. Neighborhood comments in opposition to multifamily development on this site that were received by City staff are attached after the map exhibits. The applicant and neighborhood association have reached an agreement where the neighborhood association (Pecan Springs/Springdale Neighborhood Association) will support MF-2-CO-NP zoning with conditions described in Exhibit A (Neighborhood Conditions). COA legal staff has reviewed the conditions, and has determined that items A, B, C, D, E, F, G and H could be incorporated into a conditional overlay, but items I, J, K, and L cannot be enforced by the City. If the applicant and neighborhood association wish to apply those restrictions, a separate private restrictive covenant could be used.

PLANNING COMMISSION RECOMMENDATION:

February 14, 2012: *POSTPONEMENT TO FEBRUARY 28, 2012, REQUESTED BY APPLICANT. APPROVED ON CONSENT [DEALY; CHIMENTI-2ND] (5-0) ANDERSON, HATFIELD, STEVENS, TIEMANN ABSENT.*

February 28, 2012: *POSTPONEMENT TO APRIL 10, 2012, REQUESTED BY NEIGHBORHOOD. APPROVED ON CONSENT [KIRK; DEALEY-2ND] (9-0)*

April 10, 2012: *POSTPONEMENT TO APRIL 24, 2012, REQUESTED BY STAFF. APPROVED ON CONSENT [DEALEY; STEVENS-2ND] (7-0)*

April 24, 2012: *PLANNING COMMISSION RECOMMENDS APPROVAL OF MF-2-CO-NP ZONING WITH CONDITIONS DESCRIBED IN EXHIBIT A- NEIGHBORHOOD CONDITIONS, TO BE APPLIED BY A COMBINATION OF CONDITIONAL OVERLAY AND PRIVATE RESTRICTIVE COVENANT. PLANNING COMMISSION RECOMMENDS THAT THE PRIVATE RESTRICTIVE COVENANT BETWEEN THE APPLICANT AND NEIGHBORHOOD ASSOCIATION BE SIGNED PRIOR TO CITY COUNCIL APPROVAL. [CHIMENTI; KIRK-2ND] (9-0)*

DEPARTMENT COMMENTS:

The subject property is located at the northeast corner of E. 51st Street and Pecan Springs Road. The property was previously used as a residence, but has not been occupied for several years. A house remains on the site. To the north and east of the property is a single family residential neighborhood, which is zoned SF-2-NP. A large drainage culvert is also east of the property, adjacent to 51st Street. Across E. 51st Street, to the south, are a church and undeveloped tracts of land. These tracts are zoned MF-2-NP and SF-3-NP, respectively. West of the subject property, across Pecan Springs Road, are two churches and residences. These tracts are zoned SF-3-NP and SF-2-NP. Please refer to Exhibits B and C (Zoning Map and Aerial Map).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Vacant/Residence
<i>North</i>	SF-2-NP	Single family residential
<i>South</i>	MF-2-NP, SF-3-NP	Religious assembly, undeveloped
<i>East</i>	SF-2-NP	Single family residential
<i>West</i>	SF-3-NP, SF-2-NP	Religious assembly, single family residential

RELATED CASES:

The Pecan Springs – Springdale Neighborhood Plan rezonings were approved by Council on November 7, 2002 (C14-02-0142.001 – Ordinance No. 021107-Z-12a). The FLUM designation on this site is Mixed Residential, so a neighborhood plan amendment is not required.

SCHOOLS:

Pecan Springs Elementary School

Pearce Middle School

Reagan High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
East 51st Street	70'	40'	Arterial (MNR4)	No	Shared Bike Lane	At Springdale Road
Pecan Spring Road	60'	Varies	Collector	No	No	No

NEIGHBORHOOD ORGANIZATIONS:

East MLK Combined Neighborhood Contact Team
Senate Hills Homeowners' Association
Pecan Springs-Springdale Neighborhood Association
East MLK Combined Neighborhood Association
Windsor Park-Pecan Springs Heritage Neighborhood Association

CITY COUNCIL DATE:

May 24, 2012

June 7, 2012

June 14, 2012

June 28, 2012

ACTION:

Postponement to June 7, 2012, by Applicant, Approved on Consent Agenda.

Postponement to June 14, 2012, by Staff, Approved on Consent Agenda.

Postponement to June 28, 2012, by Neighborhood, Approved on Consent Agenda.

Postponement to August 2, 2012, by Staff, Approved on Consent Agenda.

ORDINANCE READINGS: 1st**2nd****3rd****ORDINANCE NUMBER:**

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant townhome and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) district zoning. The conditional overlay would prohibit vehicular access from the site to Pecan Springs Road. The subject property is located in the East MLK Combined Neighborhood Plan area and the rezoning will not require a neighborhood plan amendment.

Neighborhood comments in opposition to multifamily development on this site that were received by City staff are attached (Exhibit D- Neighbor Comments). The agent for this project subsequently met with neighborhood representatives to discuss the rezoning request and neighbor concerns about development of the property. The applicant and neighborhood association have reached an agreement where the neighborhood association (Pecan Springs/Springdale Neighborhood Association) will support MF-2-CO-NP zoning with conditions described in Exhibit A (Neighborhood Conditions). The agent has also provided a letter summarizing his meetings with neighborhood representatives (Exhibit E- Agent Letter).

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The subject property is surrounded by single family residences on three sides, and three churches are located immediately across Pecan Springs Road and East 51st Street. Townhome and condominium residence zoning (SF-6) will allow redevelopment of the subject property with residential units at a level of intensity appropriate for the site and area.

2. *The proposed zoning should be consistent with the purpose statement of the district sought.* It is inconsistent with the purpose of MF-2 zoning to use a conditional overlay or restrictive covenant to eliminate all but one of the characteristics that differentiate that zoning category from SF-6.

3. *Zoning changes should promote an orderly and compatible relationship among land uses.* Adding MF-2 to the property will set an inappropriate precedent and does not create a logical transition between the SF-3 neighborhood and its surroundings.

Site Plan:

1. The site is subject to compatibility standards. Along all property lines adjacent to single family, the following standards will apply with any future development:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

2. Development on this site may be subject to Subchapter E Design Standards and Mixed Use.

Environmental:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort Branch Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

	Current Zoning <u>SF-3</u>	Requested Zoning <u>MF-2</u>	Staff Recommendation <u>SF-6</u>
Maximum Impervious Coverage	45%	60%	55%

3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

4. According to flood plain maps, there is a flood plain within the project area.

5. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Transportation:

1. Existing Street Characteristics: Daily Traffic

East 51st Street 9,060 (TxDOT, 2010)

Pecan Spring Road 2,760 (TxDOT, 2010)

2. No additional right-of-way is needed at this time.

3. If the requested zoning is granted, it is recommended that access to Pecan Springs Road be prohibited as a condition of zoning because additional traffic generated by this development would exceed the allowable level under LDC 25-6-116.
4. A neighborhood traffic analysis will be required if driveway access on Pecan Springs Road is permitted.
5. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].
6. There are no existing sidewalks along East 51st Street or Pecan Spring Road.
7. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities exist and/or recommended along the adjoining streets as follows:

<u>Street Name</u>	<u>Existing Bicycle Facilities</u>	<u>Recommended Bicycle Facilities</u>
East 51st Street	Shared Lane	Bike Lane
Pecan Spring Road	None Identified	None Identified

8. Capital Metro bus service (route no. 300) is available along Springdale Road at East 51st Street.

Water/Wastewater:

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

EXHIBIT A-
NEIGHBORHOOD
CONDITIONS

AN AGREEMENT FOR REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3108 E. 51ST STREET IN THE EAST MLK COMBINED NEIGHBORHOOD PLAN (PECAN SPRINGS - SPRINGDALE NEIGHBORHOOD PLAN) AREA FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE LOW DENSITY-CONDITIONAL OVERLAY- NEIGHBORHOOD PLAN (MF-2-CO-NP) COMBINING DISTRICT.

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence-neighborhood plan (SF-3-NP) combining district to multifamily residence low density-conditional overlay- neighborhood plan (MF-2-CO-NP) combining district on the property described in Zoning Case No. C14-2011-0165, on file at the Planning and Development Review Department, as follows:

7.32 acres of land situated in Travis County, Texas, out of the S.J. Whatley Survey No. 24, Abstract No. 795, and being all of that tract described as 7.315 acres in a Warranty Deed with Vendor's Lien to Robert Langguth and HousePurchase, Inc., dated December 12, 2006 and recorded as Document No. 2006239856 of the Official Public Records of Travis County, Texas,

Locally known as 3108 E. 51st Street in the City of Austin, Travis County, Texas, the "Property" and generally identified in the map attached as Exhibit "A".

PART 2. Except as specifically provided in Part 3 and Part 4 of this agreement, the Property may be developed and used in accordance with the regulations established for the multifamily residence low density (MF-2) base district and other applicable requirements of the City Code.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this agreement is subject to the following conditions:

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the property takes access from the site to Pecan Springs Road.

- B. A site plan or building permit for the Property may not be approved, released, or issued, if the property has building heights that exceed 37 feet or 2 stories.
- C. A site plan or building permit for the Property may not be approved, released, or issued, if the property exceeds a maximum building coverage of forty (40%) percent.
- D. A site plan or building permit for the Property may not be approved, released, or issued, if the property exceeds a maximum impervious cover of fifty-five (55%) percent gross site area.
- E. A site plan or building permit for the Property may not be approved, released, or issued, if the property does not contain a minimum site area of ten thousand five hundred (10,500 sq.ft.) square feet.
- F. A site plan or building permit for the Property may not be approved, released, or issued, if the property does not contain three thousand five hundred (3,500 sq.ft.) square feet of site area for each dwelling unit.
- G. A site plan or building permit for the Property may not be approved, released, or issued, if the property has a parking space located in a front street yard, except for a parking space in a driveway.
- H. A site plan or building permit for the Property may not be approved, released, or issued, if the property contains a multifamily residential use.
- I. A site plan or building permit for the Property may not be approved, released, or issued, if the property is walled off from the surrounding neighborhood. This prohibition does not prohibit the use of wrought iron fencing with masonry columns to create a private gated community.
- J. A site plan or building permit for the Property may not be approved, released, or issued, if the property has buildings

located adjacent to the public rights-of-way with the front elevation and front door not facing the public rights-of-way.

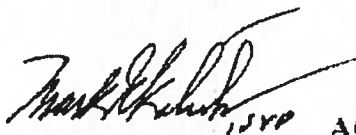
- K. A site plan or building permit for the Property may not be approved, released, or issued, if the buildings on the property do not at a minimum contain front elevation masonry facades.
- L. A site plan or building permit for the Property may not be approved, released, or issued, that does not state when clearing of the land occurs within the flood plain that it not to be developed, other than to remove any invasive species (i.e.: lagustrum, juniper); and where possible, retain trees and underbrush that are non-invasive (hardwood trees, bushes). When replanting on cleared areas within the flood plain, use native plants; and where possible, allow for a mix of trees, bushes and low-lying plants to promote a natural environment. and when planning the landscape feature, consult a green certified landscape professional or equivalent that specializes in native habitat restoration.

Except as specifically restricted under this agreement, the Property may be developed and used in accordance with the regulations established for the multifamily residence low density (MF-2) base district, and other applicable requirements of the City Code.

PART 4. The Property is subject to Ordinance No. 021107-Z-12a that established the East MLK neighborhood plan (Pecan Springs – Springdale neighborhood plan) combining district.

PART 5. This agreement was executed on March 5, 2012.

AGREED:

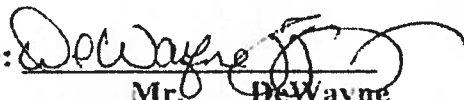


Mr. Mark E. Kalish

Lofton

Senior Vice President
Commerce National Bank
5300 Bee Caves Road, Bldg. 2
Austin, Texas 78746

AGREED:



Mr. DeWayne

President
Pecan Springs &
Springdale Hills
Neighborhood Assn.
P.O. Box 14206
Austin, Texas 78761

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0165

Contact: Heather Chaffin, (512) 974-2122

Public Hearing: Feb 14, 2012, Planning Commission

March 8, 2012, City Council

John R. Leslie
Your Name (please print)

☐ I am in favor
☒ I object

5209 Halmarck Dr
Your address(es) affected by this application

2-6-12
Date

Signature

Daytime Telephone: *832-567-8771*

Comments: *We are trying to keep our*

Property values up and by allowing multi-family developments in only reduces the value. Do not trash this area of Austin

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

EXHIBIT D - NEIGHBOR COMMENTS

received 2/9/12

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0165

Contact: Heather Chaffin, (512) 974-2122

Public Hearing: Feb 14, 2012, Planning Commission

March 8, 2012, City Council

Rachel D. Gammon

Your Name (please print)

3037 Pecan Springs 78723

Your address(es) affected by this application

Rachel D. Gammon

Signature

Date

Daytime Telephone: 512-929-3470

Comments: I live across the street from the proposed development. The type of housing it would offer will bring a transient population with the possibility of increased crime. It will bring congestion on a narrow two lane Pecan Springs Road that can hardly bear the sparse traffic it now gets.

Finally, I bought my home knowing the present zoning would protect my life's investment. The law should not be changed at the expense of present homeowners to satisfy a developer's desire for a quick profit.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0165

Contact: Heather Chaffin, (512) 974-2122

Public Hearing: Feb 14, 2012, Planning Commission

March 8, 2012, City Council

Carla Atkins

Your Name (please print)

5223 Marymount Dr Austin TX 78723

Your address(es) affected by this application

Carla Atkins

Signature

Feb 6, 2012

Date

Daytime Telephone: 512-924-4772

Comments: Reasons for objection to multi-family
1- Lack of pride in rental property which leads zoning
to loud music & cars - multiple vehicles parked
in the street - increased littering - lack of
sidewalks in neighborhood (51st St) to access bus stops
2- encroachment on the natural spring in this
area. Is there any discussion about preserving
the spring
3- possible devaluation of single family homes
in the area

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0165

Contact: Heather Chaffin, (512) 974-2122

Public Hearing: Feb 14, 2012, Planning Commission

March 8, 2012, City Council

Veru, t J Wright
Your Name (please print)

5213 HALMARK DR
Your address(es) affected by this application

Veru, t J Wright
Signature

2/1/2012
Date

Daytime Telephone: _____

Comments: _____

will bring too much traffic to the neighborhood (different people)

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

received 2/13/11

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0165

Contact: Heather Chaffin, (512) 974-2122

Public Hearing: Feb 14, 2012, Planning Commission

March 8, 2012, City Council

James Halligan
Your Name (please print)

☐ I am in favor
☒ I object

5302 Halmark Dr 78723

Your address(es) affected by this application

J. Halligan 2-10-12
Signature Date

Daytime Telephone: 512-471-6470

Comments:

Rezoning to MF-2-NP at 3108 E 51st
street will further erode and ~~degrade~~ ^{vacant}
devestate our neighborhood - the vacant
apartment complex at 2989 E 51st street
it's devastation enough. Please show
respect for the health of our neighborhood
by denying this zoning change.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

received 2/13/11

Attachment regarding case number : C14-2011-0165

Rental areas are always the first to turn to slums..... The landlord tries to keep his maintenance and repair costs as low as possible; the residents have no incentive to maintain and repair the homes...improvements add to the wealth of the landlord and even justify higher rent. And so the typical piece of rental property degenerates over the years."

page 394, A Pattern Language (Towns - Buildings - Construction), C. Alexander, New York: Oxford University Press, 1977 ("A Pattern Language is the second in a series of books which describe an entirely new attitude to architecture and planning.")

"Renting is often a step along the way to home ownership; but unless tenants can somehow recover their investments in money and labor, the hopeless cycle of degeneration of rental property and the degeneration of the tenant's financial capability will continue."

("Urban Housing Rehabilitation", R. Goetze, in the The Freedom to Build, New York: Macmillan, 1972)

"Face-to-face rental, with the owners occupying the main structure, is the one kind of rental relationship that is reasonably healthy. The landlord is actually there, so she is directly concerned with the well-being of the life around her and the environment, unlike absentee landlords.... This is the only form of renting that is not socially and physically destructive." page 721, A Pattern Language (Towns - Buildings - Construction), C. Alexander, New York: Oxford University Press, 1977 ("A Pattern Language is the second in a series of books which describe an entirely new attitude to architecture and planning.")

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0165

Contact: Heather Chaffin, (512) 974-2122

Public Hearing: Feb 14, 2012, Planning Commission

March 8, 2012, City Council

Mable Yvonne Keith

Your Name (please print)

5206 Wayborne Hill Drive, Austin, TX 78723

Your address(es) affected by this application

Mable Yvonne Keith

Signature

2-16-12

Date

Daytime Telephone: 512-926-1746

Comments:

I don't agree with zoning change.
I fear this will affect an increase
in my property tax which is already
too much!

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

received



EXHIBIT E-
AGENT LETTER

April 9, 2012

Mr. Dave Sullivan, Chair
City of Austin Planning Commission
sully.jumpnet@sbcglobal.net

Re: Introduction Letter
Randerson Creekside Rezoning Request (the "Application")
3108 E. 51st Street
Austin, Travis County, Texas

Dear Mr. Sullivan,

This firm represents and this letter is delivered to you on behalf of the applicant in the above referenced Application. Please accept this summary letter and accompanying materials as an introduction of our formal request for a rezoning of the above referenced address.

The property, which was at one time the Randerson family single-family residence, is currently designated Family Residence (SF-3-NP) District and is vacant. We are proposing a rezoning request to Multifamily Residence Low Density (MF-2-CO-NP) District. City staff's recommendation has been and remains a Townhouse and Condominium (SF-6-CO-NP) District. This application has been filed in connection with an envisioned master planned community condominium regime of single-family or single-family attached residential uses.

As part of the rezoning request, on November 23, 2011, we sent letters to all property owners within 500 feet of the property boundary and all neighborhood associations, identified on the City of Austin website as having a geographical boundary interest, seeking input for our rezoning request. We were invited to make a presentation to the Pecan Springs/Springdale Neighborhood Association on Saturday, February 11, 2012. The meeting was well attended and we received some very thoughtful input. We subsequently prepared a written agreement between the owner and the neighborhood association proposing a MF-2 zoning designation to achieve a height limit of 37 feet and agreed to limit the development to SF-6 standards. Furthermore, we incorporated additional development restrictions based upon input received in the neighborhood meeting.

Mr. DeWayne Lofton, President of the Pecan Springs/Springdale Neighborhood Association was extremely helpful in reaching out to invite the neighbors, who had submitted formal objections (Mr. Leslie, Mr. Gammill, Ms Atkins, Ms Wright, Mr. Halligan, and Ms Keith), to a follow-up meeting held on Thursday, March 29, 2012. At this meeting, we received additional input and subsequently revised the written agreement included in this correspondence. Staff could not support changing their recommendation of SF-6 because they do not want to set a precedence of a MF-2 recommendation so close to a neighborhood. What you have before you is an owner and a very well organized neighborhood standing united in our recommendation of MF-2. We ask that you recognize our agreement and incorporate this as a conditional overlay to our rezoning request.

April 9, 2012

Page - 2

We trust that you will find the rezoning request satisfactory for the intended use. Should you have any questions or require additional information, please don't hesitate to contact me at (512) 947-5237.

Sincerely,

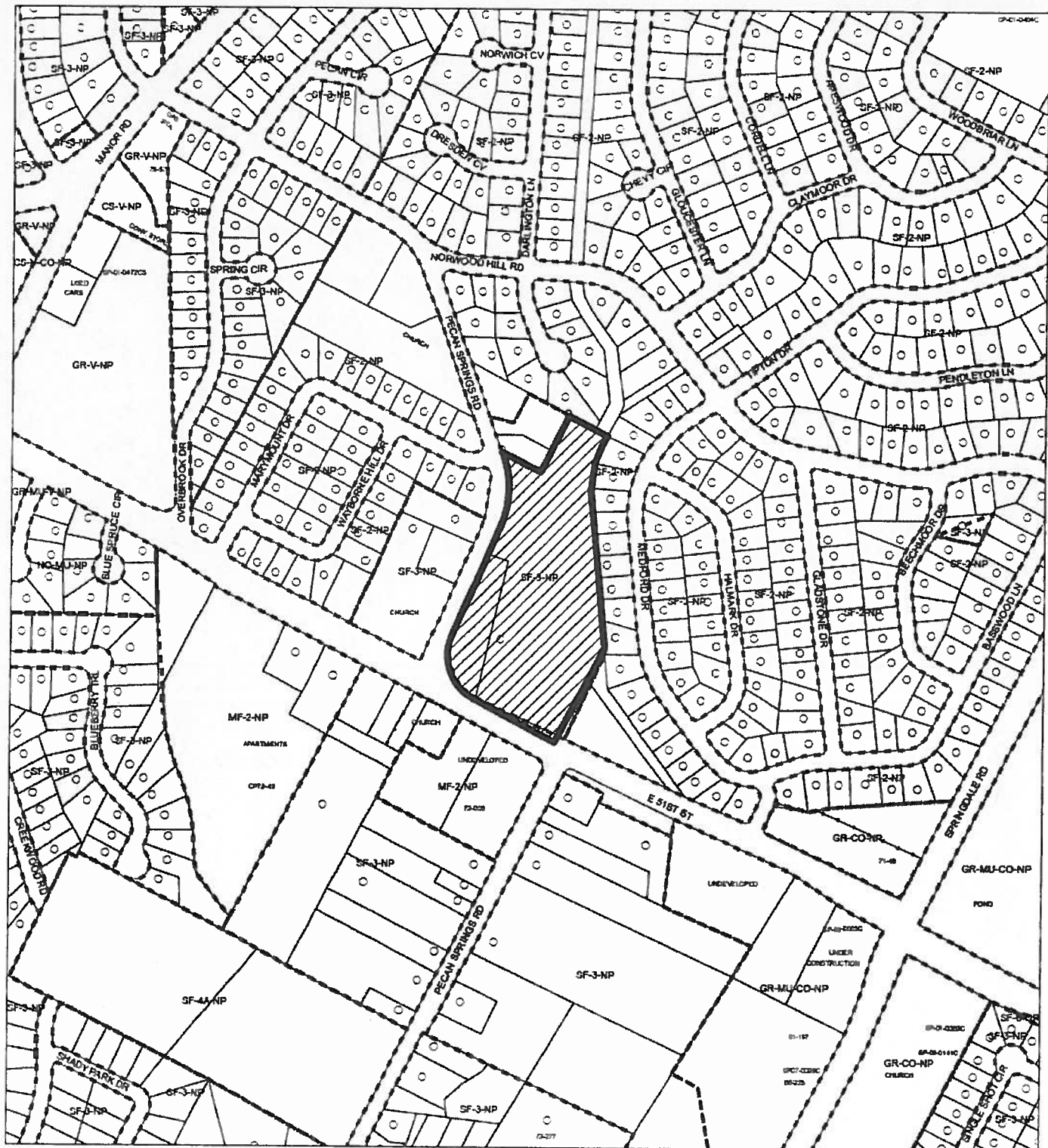
A handwritten signature in black ink, appearing to read "Michael W. Wilson". The signature is fluid and cursive, with a large initial "M" and a stylized "W".

Michael W. Wilson
President




Cc: Mr. DeWayne Lofton, President of the Pecan Springs/Springdale Neighborhood Association
Mr. Mark Kalish, Senior Vice President of Commerce National Bank
Ms Heather Chaffin, City of Austin Department of Planning and Development Review

[illegible]

EXHIBIT B - ZONING MAP



1" = 400'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2011-0165

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 3108 EAST 51ST STREET IN THE PECAN SPRINGS-
3 SPRINGDALE NEIGHBORHOOD PLAN FROM FAMILY RESIDENCE-
4 NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO MULTIFAMILY
5 RESIDENCE LOW DENSITY-CONDITIONAL OVERLAY-NEIGHBORHOOD
6 PLAN (MF-2-CO-NP) COMBINING DISTRICT.

7
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
9

10 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
11 change the base district from family residence-neighborhood plan (SF-3-NP) combining
12 district to multifamily residence low density-conditional overlay-neighborhood plan (MF-
13 2-CO-NP) combining district on the property described in Zoning Case No. C14-2011-
14 0165, on file at the Planning and Development Review Department, as follows:

15
16 A 7.32 acre tract of land, more or less, out of the S.J. Whatley Survey No. 24,
17 Abstract No. 795, the tract of land being more particularly described by metes and
18 bounds in Exhibit "A" incorporated into this ordinance (the "Property"),
19

20 locally known as 3108 East 51ST Street, in the City of Austin, Travis County, Texas, and
21 generally identified in the map attached as Exhibit "B".
22

23 **PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the
24 Property may be developed and used in accordance with the regulations established for the
25 multi family residence-low density (MF-2) base district and other applicable requirements
26 of the City Code.
27

28 **PART 3.** The Property within the boundaries of the conditional overlay established by this
29 ordinance is subject to the following conditions:
30

- 31 A. Vehicular access from the Property to Pecan Springs Road is prohibited. All
32 vehicular access to the Property shall be from other adjacent public streets or
33 through other adjacent property.
34
35 B. A building or structure constructed on the Property, may not exceed 37 feet or
36 two stories from ground level.
37

- 1 C. Building coverage on the Property may not exceed 40 percent.
2
3 D. Development of the property may not exceed an impervious coverage of 55
4 percent.
5
6 E. Development of the property shall contain a minimum site area of 10,500
7 square feet.
8
9 F. Development of the property shall not contain less than 3,500 square feet of site
10 area for each dwelling unit.
11
12 G. Except for a parking space in a driveway, a parking space may not be located in
13 a front street yard.
14
15 H. Multifamily residential use, as described in Section 25-2-3(B)(7) of the City
16 Code, of the Property is prohibited.
17

18 Except as specifically restricted under this ordinance, the Property may be developed and
19 used in accordance with the regulations established for the multifamily residence-low
20 density (MF-2) base district, and other applicable requirements of the City code.
21

22 **PART 4.** The Property is subject to Ordinance No. 021107-Z-12a that established the
23 Pecan Springs-Springdale Neighborhood Plan.
24

25 **PART 5.** This ordinance takes effect on _____, 2012.
26

27 **PASSED AND APPROVED**
28

29 §
30 §
31 §

_____, 2012

Lee Leffingwell
Mayor

36 **APPROVED:**

37 Karen M. Kennard
38 City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

FIELD NOTES

JOB NO. 11257-00

DATE: November 30, 2011

PAGE 1 OF 4

7.32 ACRES

Being 7.32 acres of land situated in Travis County, Texas, out of the S.J. Whatley Survey No. 24, Abstract No. 795, and being all of that tract described as 7.315 acres in a Warranty Deed with Vendor's Lien to Robert Langguth and HousePurchase, Inc., dated December 12, 2006 and recorded as Document No. 2006239856 of the Official Public Records of Travis County, Texas, and further described by metes and bounds as follows:

BEGINNING: at a 1/2 inch iron pin with orange plastic cap found in the northeasterly line of East 51st Street for the southwest corner of that certain tract described as 0.900 acre in a Warranty Deed granted to the City of Austin, dated July 27, 1994 and recorded in Volume 12237, Page 1106 of the Real Property Records Travis County, Texas and the most southerly corner of said Langguth tract and this tract;

THENCE: N 62°05'14" W 297.22 feet along the north line of said East 51st Street with the south line of said Langguth tract to a 1/2 inch iron pin with an orange plastic cap inscribed "DRIFTWOOD SURVEYING" found at the intersection of the east line of Pecan Springs Road for the beginning of a curve to the right and the southwest corner of said Langguth tract and this tract,

THENCE: along the east line of said Pecan Springs Road with a part of the west line of said Langguth tract the following three (3) courses:

1. 227.97 feet along said curve ($\Delta = 84^\circ 52' 14"$, radius = 153.90 feet long chord bears N 18°36'03" W 207.69 feet) to a 1/2 inch iron pin with an orange plastic cap inscribed "DRIFTWOOD SURVEYING" found,
2. N 23°33'37" E 376.30 feet to a 1/2 inch iron pin with an orange plastic cap inscribed "DRIFTWOOD SURVEYING" found at the beginning of a curve to the left.
3. 243.04 feet along said curve ($\Delta = 44^\circ 08' 57"$, radius = 315.41 feet, long chord bears N 01°18'03" E 237.07 feet) to a 3/4 inch iron pipe found for an angle point in the west line of said Langguth tract and this tract;

THENCE: leaving said Pecan Springs Road and continuing along the west line of said Langguth tract the following two (2) courses:

1. offset S 62°52'31" E 137.20 feet to a chain link fence corner post for an angle point,
2. N 26°35'09" E 198.50 feet to a chain link fence corner post in the south line of Windsor Park Hills Section 1, a subdivision recorded in Volume 14, Page 1 of Plat Records Travis County, Texas for the most northerly corner of said Langguth tract and this tract;

THENCE: S 62°53'45" E 135.91 feet to 1/2 inch iron pin with yellow plastic cap inscribed "POINT LINE RPLS 1587" found in the west line of Windsor Park Hills Section 3, a subdivision recorded in Volume 16, Page 65 of said plat records for the most southerly corner of said Windsor Hills Section 1 and the northeast corner of said Langguth tract and this tract;

THENCE: along the west line of said Windsor Hills Section 3 with the east line of said Langguth tract and this tract the following five (5) courses:

1. S 27°44'33" W 35.02 feet to a 1/2 inch iron pin with yellow plastic cap inscribed "CS, LTD" set,
2. S 21°50'03" W 60.13 feet to 1/2 inch iron pin with an orange plastic cap inscribed "DRIFTWOOD SURVEYING" found,
3. S 07°28'18" W 85.10 feet to a 1/2 inch iron pin with an orange plastic cap found,

FIELD NOTES

JOB NO. 11257-00

DATE: November 30, 2011

PAGE 2 OF 4

4. S 03°11'54" E 22.76 feet to a 1/2 inch iron pin with an orange plastic cap inscribed "DRIFTWOOD SURVEYING" found,
5. S 05°19'01" E (basis of bearings hereon) 481.09 feet to 1/2 inch iron pin with an orange plastic cap inscribed "DRIFTWOOD SURVEYING" found for the most northerly corner of that tract described as 0.86 acres in a deed granted to the City of Austin and recorded in Volume 3092, Page 1191 of Deed Records Travis County, Texas and the most easterly corner of said Langguth tract and this tract;

THENCE: S 27°28'13" W leaving said Windsor Hills Section 3 and continuing with the northwesterly lines of said City of Austin tracts and the southeasterly line of said Langguth tract and this tract, at approximately 139.34 feet leaving said City of Austin (Vol. 3092, Pg. 1191) tract, and continuing with the northwesterly line of said City of Austin tract (Vol. 12237, Pg. 1106), in all 335.89 feet to the **Beginning**.

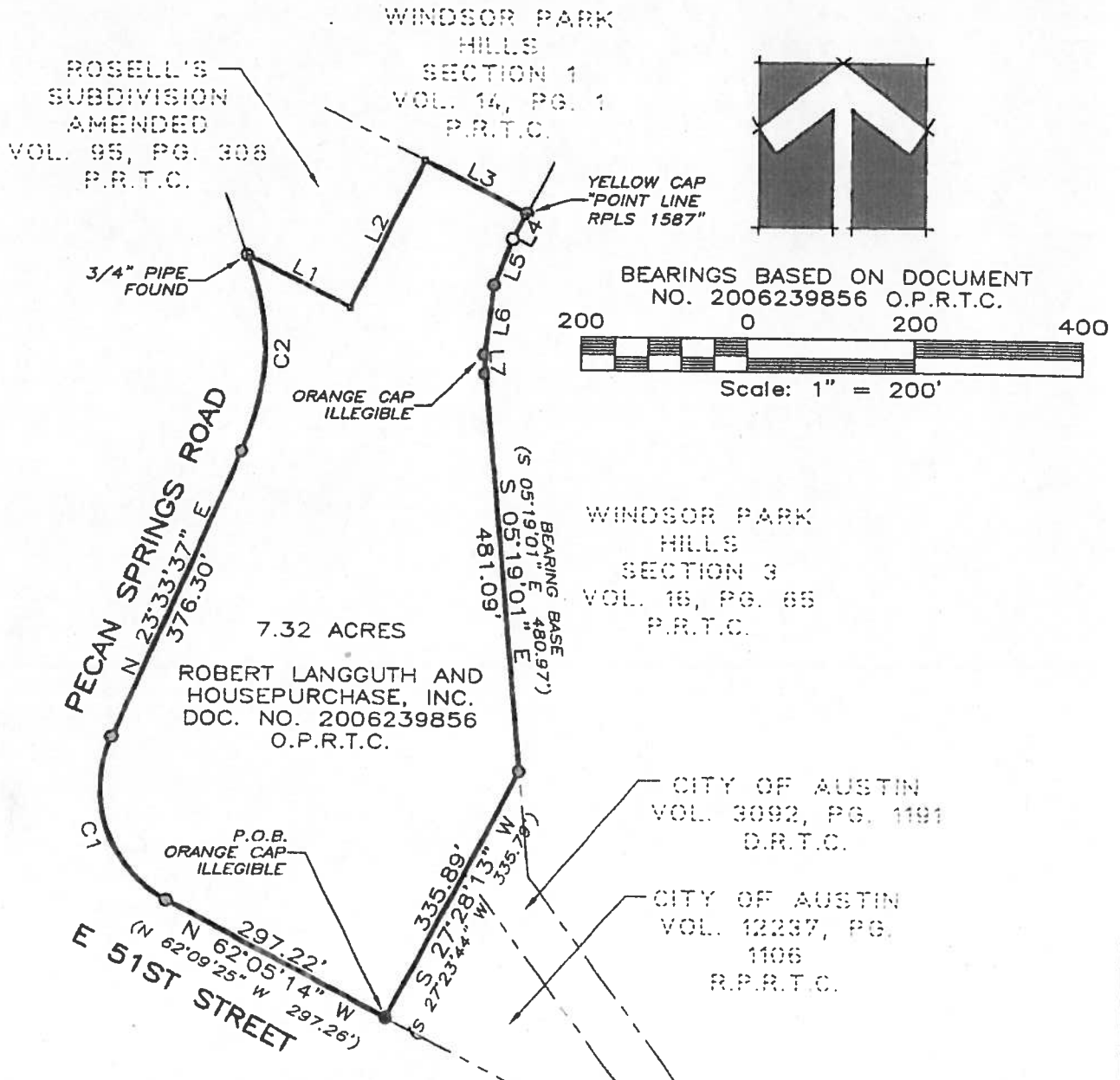
Bearings cited hereon based on Document No. 2006239856, said official public records.

 12/1/2011

Brett A. Butts, R.P.L.S. No. 6254
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628

BAB/hbb

EXHIBIT TO ACCOMPANY FIELD NOTES FOR
7.32 ACRES OUT OF THE S.J. WHATLEY
SURVEY NO. 24, ABSTRACT NO. 795
TRAVIS COUNTY, TEXAS



LEGEND	
●	1/2" IRON PIN ORANGE CAP "DRIFTWOOD SURVEYING" (UNLESS OTHERWISE NOTED)
○	1/2" IRON PIN SET w/YELLOW PLASTIC CAP "CS, LTD"
■	FENCE POST
P.R.T.C.	PLAT RECORDS TRAVIS COUNTY
D.R.T.C.	DEED RECORDS TRAVIS COUNTY
R.P.R.T.C.	REAL PROPERTY RECORDS TRAVIS CO.
(xxxx)	RECORD BEARING/DISTANCE

NOTE: SEE SHEET NO. 4 FOR LINE & CURVE TABLES AND REMAINING RECORD TABLES

Handwritten signature
12/1/2011



Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903 - Georgetown, Texas 78628
(512) 930-1600/(512) 930-9389 fax
www.castleberrysurveying.com

SHEET
3
OF
4

EXHIBIT TO ACCOMPANY FIELD NOTES FOR
7.32 ACRES OUT OF THE S.J. WHATLEY
SURVEY NO. 24, ABSTRACT NO. 795
TRAVIS COUNTY, TEXAS

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 62°52'31" E	137.20'
L2	N 26°35'09" E	198.50'
L3	S 62°53'45" E	135.91'
L4	S 27°44'33" W	35.02'
L5	S 21°50'33" W	60.13'
L6	S 07°28'18" W	85.10'
L7	S 03°11'54" E	22.76'

RECORD LINE TABLE		
NUMBER	DIRECTION	DISTANCE
(L1)	S 62°56'00" E	137.06'
(L2)	N 26°34'14" E	198.39'
(L3)	S 62°56'42" E	135.97'
(L4)	S 27°40'29" W	35.00'
(L5)	S 21°46'29" W	60.09'
(L6)	S 07°30'29" W	85.06'
(L7)	S 03°05'31" E	22.78'

CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	84°52'14"	153.90'	227.97'	207.69'	N 18°36'03" W
C2	44°08'57"	315.41'	243.04'	237.07'	N 01°18'03" E

RECORD CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
(C1)	NO REC	153.90'	227.85'	207.60'	N 18°37'13" W
(C2)	NO REC	315.41'	243.08'	237.11'	N 01°15'14" E

Did off
12/1/2011



Castleberry Surveying, Ltd.

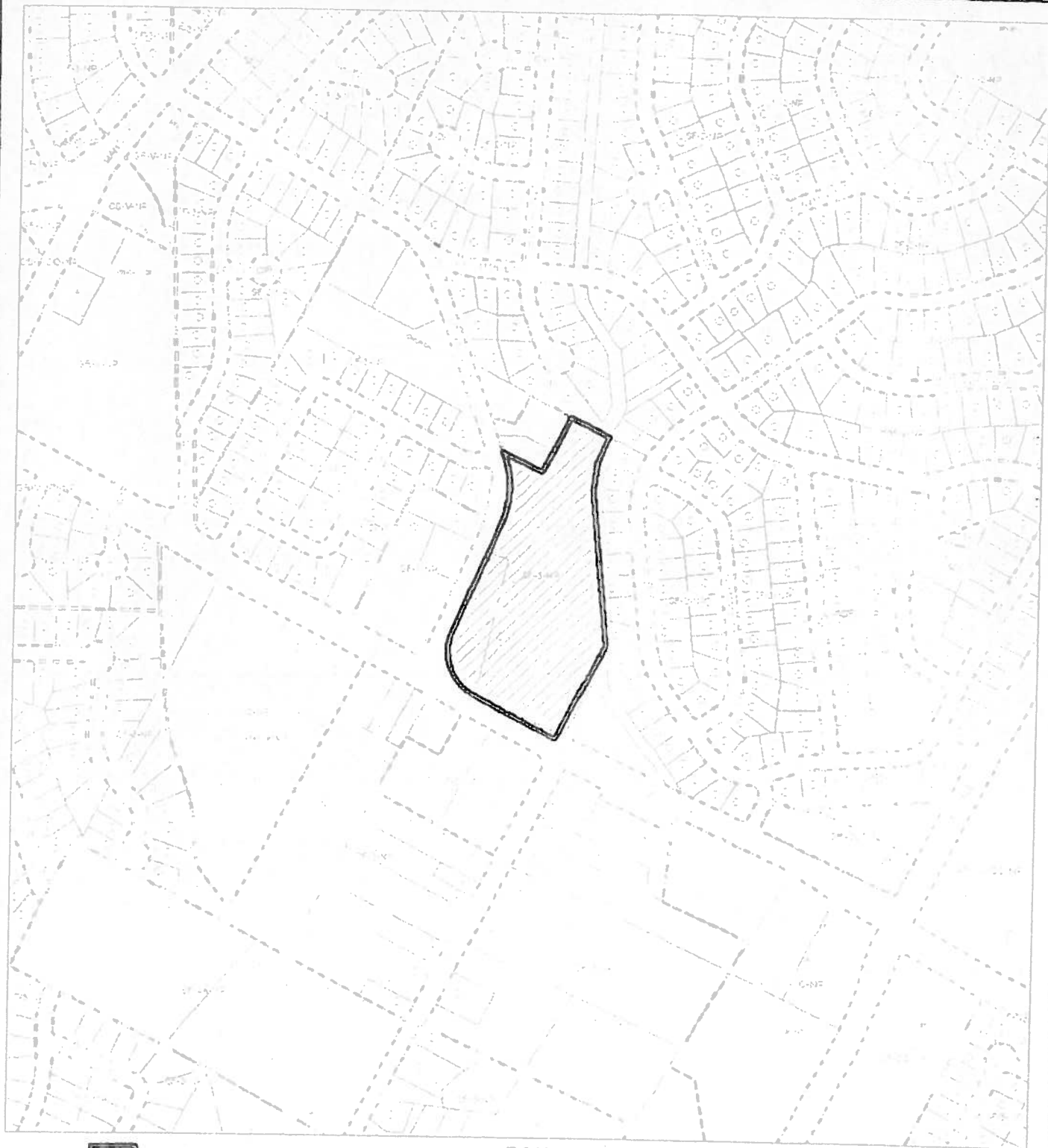
3613 Williams Drive, Suite 903 - Georgetown, Texas 78628
(512) 930-1600/(512) 930-9389 fax
www.castleberrysurveying.com




SHEET

4

OF

4



-  SUBJECT TRACT
-  PERMITTING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE# C14-2011-0165



1" = 410'

This map is the property of the City of Portland and is loaned to you for your information only. It is not to be used for any other purpose without the express written consent of the City of Portland. The City of Portland is not responsible for any errors or omissions on this map. The City of Portland is not responsible for any changes in zoning or other regulations that may occur after the date of this map. The City of Portland is not responsible for any damages or losses resulting from the use of this map. The City of Portland is not responsible for any claims or liabilities arising from the use of this map. The City of Portland is not responsible for any claims or liabilities arising from the use of this map.



MEMORANDUM

TO: Mayor and Council

FROM: Greg Guernsey, Director
Planning and Development Review Department

DATE: June 7, 2012

RE: **Randerson Creekside Rezoning – C14-2011-0165**
Postponement Request by Staff

Staff is requesting a postponement of the above-referenced zoning case to June 14, 2012. This will allow staff more time to work with Pecan Springs Springdale Hills Neighborhood Association and the applicant on a private restrictive covenant. The neighborhood association and the applicant support the postponement request.

Greg Guernsey, Director
Planning and Development Review Department

x. Marc A. Ott, City Manager
Sue Edwards, Assistant City Manager



May 22, 2012

Ms Heather Chaffin
City of Austin
Planning and Development Review Department
505 Barton Springs Road, 4th Floor
Austin, Texas 78704

Re: Delay Letter for City Council Rezoning Hearing
Randerson Creekside Rezoning Request (the "Application")
C14-2011-0165
3108 E. 51st Street
Austin, Travis County, Texas

Dear Heather:

Please accept this letter requesting a delay in the scheduled May 24, 2012 City Council hearing for the above referenced property. Early next week, the applicant is going to make final arrangements for the \$30,000 Bond in the name of the Pecan Springs / Springdale Hills Neighborhood Association. The applicant is currently preparing an Agreement which will provide for terms, conditions and stipulations under which the bond can be drawn if and when the agreed upon restrictive covenant is violated. The applicant's intention is to have a draft ready for the Pecan Springs / Springdale Hills Neighborhood Association to review late this week. Once all of the matters have been agreed to, we are hopeful to have the rezoning case ready for all three readings of the City Council hearing scheduled for June 14, 2012.

Again, thanks for all of your cooperation and assistance. Should you have any questions or need any additional information, please let me know. We will be in touch with you shortly.

Sincerely,

Michael W. Wilson
President